

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 21st day of May, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Phillip Hyatt Mayor Pro Tempore
James A. Mills Council Member
Ross McElwee Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:

OTHERS PRESENT: Patsy Lawrence, Donald & Jeanie Brummett, Venus Mills, Mike & Jan Moore, Jim & Alpha Covington, Brenda McElwee, Ann Melton, Kadence Smith, Ron Howe, Phil & Nell Reynolds, Dennis & Beatrice Limon, Mike Kohner, Erik Aguirre, Lance Shaffer, James Redmond, Judge Donna Cox, Steve Knight, Christi Pruitt, David & Brittany Clawson, Christi Pruitt, David & Brittany Clawson, Steve & Christi Powell, Micki Schmidt, Taryl Ronick, Twyla White, Carol Salinas, J.J. Cruz, Ryan Stacy, Joseph Atcher, Robert Cohen, Kyle Deal, Seth Malcolm, David Underbrink and Jack McCarty.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on May 21, 2012.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the Invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF MAY 7, 2012.**

Mayor Pro Tem Hyatt made a motion to approve the minutes of May 7, 2012. Council Member Mills seconded the motion and the motion carried unanimously.
- 4. CANVASS RETURNS FOR GENERAL ELECTION HELD ON MAY 12, 2012.**

Mayor Pro Tem Hyatt made a motion to canvass returns for General Election held on May 12, 2012. Council Member Mills seconded the motion and the motion carried unanimously.
- 5. CONSIDER AND ACT ON APPROVING RESOLUTION 2012-671 - ORDER DECLARING RESULTS OF CITY OFFICER'S ELECTION.**

Mayor Pro Tem Hyatt made a motion to approve Resolution 2012-671 – Order declaring results of City Officer's election. Council Member Mills seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON APPROVING PRESENTATION OF RESOLUTION 2012-672 FOR APPRECIATION TO OUTGOING COUNCIL MEMBER PLACE 2 – ROSS MCELWEE.**

Council Member Mills made a motion to approve the presentation of Resolution 2012-772 – Appreciation to outgoing Council Member Place 2 – Ross McElwee. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

7. **OATH OF OFFICE AND SWEARING IN ELECTED OFFICIALS - COUNCIL MEMBER PLACE 2 – BILLY ELLIS AND COUNCIL MEMBER PLACE 4 – VICKIE ABREGO BY CITY ATTORNEY ALLEN LAWRENCE.**

City Attorney Allen Lawrence gave the Oath of Office and Swore in Elected Officials – Council Member Place 2 – Billy Ellis and Council Member Place 4 – Vickie Abrego.

8. **CONSIDER AND ACT ON PRESENTATION OF CERTIFICATE OF ELECTED OFFICIALS, BILLY ELLIS AND VICKIE ABREGO AND SEATING IN THEIR PLACES.**

Council Member Mills made a motion to approve Presentation of Certificate of Elected Officials, Billy Ellis and Vickie Abrego and seating them in their places. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON APPOINTING MAYOR PRO TEM FOR ENSUING YEAR.**

Mayor Pro Tem Hyatt made a motion to appoint Council Member Place 4 – Vickie Abrego as Mayor Pro Tem for ensuing year. Council Member Mills seconded the motion and the motion carried unanimously.

10. **PUBLIC HEARING ON REQUEST OF MICHAEL DAN NUGENT TO REZONE FROM (AG) AGRICULTURE TO (R-10) RESIDENTIAL DISTRICT. THE PROPERTY IS DESCRIBED AS SOUTH BAY MARINA ESTATES, LOT 4, ARANSAS PASS, TEXAS, NUECES COUNTY.**

City Attorney Lawrence opened the Public Hearing on request of Dan Michael Nugent to rezone from (AG) Agriculture to (R-10) Residential District. The property is described as South Bay Marina Estates, Lot 4, Aransas Pass, Texas, Nueces County at 7:14 P.M.

Attorney Lawrence asked if there were anyone present to speak in favor of this request.

There were none.

Attorney Lawrence asked if there were anyone present against the request.

There were none.

Attorney Lawrence closed the Public Hearing at 7:15 P.M.

11. **CONSIDER AND ACT ON REQUEST OF MICHAEL DAN NUGENT TO REZONE FROM (AG) AGRICULTURE TO (R-10) RESIDENTIAL DISTRICT. THE PROPERTY IS DESCRIBED AS SOUTH BAY MARINA ESTATES, LOT 4, ARANSAS PASS, TEXAS, NUECES COUNTY.**

Council Member Hyatt made a motion to approve the request of Michael Dan Nugent to rezone from (AG) Agriculture to (R-10) Residential District. The property is described as South Bay Marina Estates, Lot 4, Aransas Pass, Texas, Nueces County. Council Member Mills seconded the motion and the motion carried unanimously.

12. **PUBLIC HEARING ON REQUEST OF NUECES COUNTY COASTAL PARKS TO REZONE FROM (AG) AGRICULTURAL DISTRICT TO (GB) GENERAL BUSINESS. THE PROPERTY IS DESCRIBED AS 1620 E. HWY 361 AND APPROXIMATELY 2.5 MILES SOUTHEAST OF CITY HALL IN ARANSAS PASS, BEING OUT OF ARANSAS PASS CHANNEL AND DOCK COMPANY SURVEY NO. 651, NUECES COUNTY, TEXAS, SAID 4.497 ACRE TRACT BEING OUT OF A PART OF THE NORTHEAST SIDE OF SAID 209.531 ACRE TRACT ACQUIRED BY THE STATE OF TEXAS, FOR HIGHWAY RIGHT-OF-WAY, FROM ROAD DISTRICT NO. 4, NUECES COUNTY, TEXAS BY QUITCLAIM DEED FILED FOR RECORD MARCH 12, 1958 AND RECORDED IN VOLUME 804, PAGES 569-573, DEED RECORDS OF NUECES COUNTY, TEXAS.**

City Attorney Lawrence opened the Public Hearing to approve the request of Nueces County Coastal Parks to rezone from (AG) Agricultural District to (GB) General Business. The property

is described as 1620 E. Hwy 361 and approximately 2.5 miles southeast of City Hall in Aransas Pass, being out of Aransas Pass Channel and Dock Company Survey No. 651, Nueces County, Texas, said 4.497 acre tract being out of a part of the northeast side of said 209.531 acre tract acquired by the State of Texas, for highway right-of-way, from Road District No. 4, Nueces County, Texas by Quitclaim Deed filed for record March 12, 1958 and recorded in Volume 804, Pages 569-573, Deed Records of Nueces County, Texas at 7:16 P.M.

Attorney Lawrence asked if there were anyone present to speak in favor of this request.

There were none.

Attorney Lawrence asked if there were anyone present against the request.

There were none.

Attorney Lawrence closed the Public Hearing at 7:17 P.M.

13. **CONSIDER AND ACT ON REQUEST OF NUECES COUNTY COASTAL PARKS TO REZONE FROM (AG) AGRICULTURAL DISTRICT TO (GB) GENERAL BUSINESS. THE PROPERTY IS DESCRIBED AS 1620 E. HWY 361 AND APPROXIMATELY 2.5 MILES SOUTHEAST OF CITY HALL IN ARANSAS PASS, BEING OUT OF ARANSAS PASS CHANNEL AND DOCK COMPANY SURVEY NO. 651, NUECES COUNTY, TEXAS, SAID 4.497 ACRE TRACT BEING OUT OF A PART OF THE NORTHEAST SIDE OF SAID 209.531 ACRE TRACT ACQUIRED BY THE STATE OF TEXAS, FOR HIGHWAY RIGHT-OF-WAY, FROM ROAD DISTRICT NO. 4, NUECES COUNTY, TEXAS BY QUITCLAIM DEED FILED FOR RECORD MARCH 12, 1958 AND RECORDED IN VOLUME 804, PAGES 569-573, DEED RECORDS OF NUECES COUNTY, TEXAS.**

Mayor Pro Tem Abrego made a motion to approve the request of Nueces County Coastal Parks to rezone from (AG) Agricultural District to (GB) General Business. The property is described as 1620 E. Hwy 361 and approximately 2.5 miles southeast of City Hall in Aransas Pass, being out of Aransas Pass Channel and Dock Company Survey No. 651, Nueces County, Texas, said 4.497 acre tract being out of a part of the northeast side of said 209.531 acre tract acquired by the State of Texas, for highway right-of-way, from Road District No. 4, Nueces County, Texas by Quitclaim Deed filed for record March 12, 1958 and recorded in Volume 804, Pages 569-573, Deed Records of Nueces County, Texas. Council Member Hyatt seconded the motion and the motion carried unanimously.

14. **CONSIDER AND ACT ON ACCEPTING BID FROM ARANSAS AUTOPLEX FOR ONE (1) SUPER CAB TRUCK IN THE AMOUNT OF \$22,023. (ANIMAL CONTROL VEHICLE)**

Mayor Knight stated City Secretary Stonebraker advertised in the newspaper at two different times requesting bids for an animal control vehicle. He stated the first advertisement did not bring in any bids. He stated the second advertisement brought in one bid.

Council Member Mills made a motion to accept the bid from Aransas Autoplex for one (1) super cab truck in the amount of \$22,023. (Animal Control Vehicle). Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

15. **CONSIDER AND ACT ON A WELCOME SIGN AT THE ENTRANCE OF CONN BROWN HARBOR WATERWAY.**

Council Member Hyatt made a motion to approve the purchase of a "Welcome Sign" at the entrance of Conn Brown Harbor waterway using Hotel/Motel Tax money. Council Member Ellis seconded the motion and the motion carried unanimously.

16. **CONSIDER AND ACT ON "NO WAKE" SIGNS BEING PLACED IN ARANSAS PASS WATERWAYS.**

Ms. Maryann Heimann stated the City of Aransas Pass needed an ordinance for "no wake" signs that doesn't blanket all waterways in Aransas Pass. She stated the ordinance needed to be more specific (no wake signs in front of structures, businesses, homes, etc...). She stated the ordinance would need to be sent to the State Department for approval. She stated once the State Department approved it, the game wardens could enforce the "no wake" signs.

Council Member Mills made a motion to approve City Attorney Lawrence to take the steps necessary to receive “no wake” signs and having them enforced by game wardens. Council Member Hyatt seconded the motion and the motion carried unanimously.

17. CONSIDER AND ACT ON PERMITTING COUNCIL MEMBERS TO SERVE AS A VOLUNTEER FOR AN ORGANIZATION THAT PROTECTS THE HEALTH, SAFETY, OR WELL FARE OF THE CITY.

City Attorney Allen Lawrence stated in the Texas Local Government Code – Section 21.003. Members of Municipal Governing Bodies May Volunteer. He stated he would draw up a Resolution allowing city council members to volunteer for organizations that protects the health, safety, or welfare of the city. He stated city council members who were volunteering on any organization needed to resign before the resolution is adopted.

Mayor Pro Tem Abrego made a motion to table agenda item number 17.

The motion died for lack of a second.

Council Member Ellis made a motion to approve City Attorney Lawrence drawing up a resolution permitting city council members to serve as a volunteer for an organization that protects the health, safety, and welfare of the city. Council Member Hyatt seconded the motion and the motion carried with Mayor Pro Tem Abrego voting no.

18. CONSIDER AND ACT ON SETTING A WORKSHOP DATE WITH THE ARANSAS PASS FIRE DEPARTMENT AND THE ARANSAS PASS VOLUNTEER FIREMAN RESCUE.

Council Member Hyatt made a motion to approve a workshop date of May 29, 2012 at 7:00 P.M. in the City Hall Council Chambers with the Aransas Pass Fire Department and the Aransas Pass Volunteer Fireman Rescue. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

19. CONSIDER AND ACT ON SETTING A DATE FOR CONN BROWN HARBOR WORKSHOP.

Council Member Mills made a motion to approve a workshop date of June 11, 2012 at 7:00 P.M. in the City Hall Council Chambers to discuss Conn Brown Harbor. Council Member Ellis seconded the motion and the motion carried unanimously.

20. CITIZENS' COMMENTS.

Mr. J.J. Cruz (APFD) spoke against city council members becoming volunteer firemen.

21. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Knight recessed the Regular Meeting at 7:45 P.M.

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL MATTERS – MUNICIPAL COURT ASSOCIATE JUDGE

22. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Knight reconvened the Regular Meeting at 8:02 P.M.

A. SECTION 551.074 - DELIBERATIONS REGARDING PERSONNEL MATTERS – MUNICIPAL COURT ASSOCIATE JUDGE

Council Member Hyatt made a motion to approve hiring Mr. Ronald Howe as the Municipal Court Associate Judge. Council Member Mills seconded the motion and the motion carried unanimously.

23. ADJOURNMENT OF MEETING.

Council Member Hyatt made a motion to adjourn the meeting. Council Member Ellis seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:03 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary